

Georgia Department of Natural Resources
Wildlife Resources Division

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(770) 918-6400

April 17, 2003

Water Docket
Environmental Protection Agency
Mailcode 4101T
1200 Pennsylvania Ave, NW
Washington DC, 20460

APR 18 2003

Attention: Docket ID No. OW-2002-0050

Dear Sir or Madam:

The issue discussed in this letter is of great significance to Georgia. I understand you are in the process of drafting preliminary rulemaking with respect to the definition of jurisdictional waters covered by Section 404 of the Clean Water Act (CWA) as a result of the Supreme Court decision in *Solid Waste Agency of Northern Cook County vs. U.S. Army Corps of Engineers*. This ruling brings into question the protection of isolated wetlands, ephemeral, intermittent, and perennial (non-navigable) tributaries and their adjacent wetlands.

The Wildlife Resources Division recently completed an assessment of Carolina bay habitats in Georgia. During the course of the survey, approximately 530 bays encompassing over 66,700 acres were identified. Each bay over ten acres in size was assessed for general condition and hydrologic connectivity. More than half of the bays in this study showed some evidence of ditching. In particular, approximately three-quarters of the largest bays (> 500 acres) showed evidence of ditching. Only one-fifth of the bays less than 25 acres in size were considered to be in good or very good condition. Most, if not all, of the Carolina bays in this study would fall into the category of "isolated wetlands." Only about 2 percent of the bays were fully connected to another fluvial or lacustrine system. It should be noted that more than 1,000 additional isolated wetlands were identified in the course of this study but were not included, because they were determined not to fit the criteria defining Carolina bays.

Review of critical habitat requirements for state-protected animals showed that 13 of the 117 on the list are restricted to or rely on "isolated" depressional wetlands, seeps, or bog habitats that would be excluded from protection under the proposed narrower definition of "waters of the United States." Twenty-five of 105 state-protected plants (24 percent) depend on these same habitats (including Carolina bays, Grady ponds, limesinks, sagponds, cypress/gum ponds, bogs, pocosins, and seeps). Another three state-protected plants are restricted to vernal pools on rock outcrops. Destruction of these habitats could result in further imperilment of these state-listed species, resulting in their need for listing under the Endangered Species Act.

Impacts on isolated wetlands are particularly acute in coastal Georgia, where development pressures are increasing exponentially. Five current development projects alone are converting more

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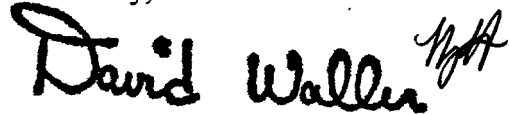
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than 30,000 acres of coastal habitats. While most of Georgia's isolated wetlands are found in the Coastal Plain, these habitats exist in all regions of the state, and their importance in maintaining wildlife diversity and water quality is indisputable.

Since all of these habitats are connected hydrologically to other water bodies, if only through groundwater movement, the term "isolated wetland" is actually a misnomer. Many others are connected sporadically with other surface waters during flood events. The protection of isolated wetlands is critical in maintaining the quality of surface water and ground water resources. These connections should be considered while developing new rules.

Thank you in advance for your attention to our concerns regarding this issue. Modification of the definition of jurisdictional wetlands has tremendous significance to the conservation of the wildlife resources of Georgia.

Sincerely,

A handwritten signature in black ink that reads "David Waller". To the right of the signature is a small, stylized monogram or set of initials, possibly "DW".

David Waller

DW:pw